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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/864,113 | 05/24/2001 | Carl Phillip Gusler | AUS920010251US1 | 1463 |

7590 03/01/2004

Robert H. Frantz
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EXAMINER

RHODE JR, ROBERT E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,113

Applicant(s)

GUSLER ET AL.

Examiner

Rob Rhode

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: The applicant refers to references without any associated numbers on page 1 and 2.

Appropriate correction is required.

Additionally, the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5,946,665) in view of Banks (US 2002/0095465 A1).

Regarding claim 1 and related claims 10 and 19, Suzuki teaches a method for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: where

Suzuki teaches an online shopper searching a list (see at least Abstract and Figures 1 and 2). Regarding claim 2 and related claims 1 and 20, Suzuki teaches a method wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall (see at least Col 3, lines 34 – 43 and Figure 8).

However, Suzuki does not specifically disclose and teach a method of searching of concurrently online shoppers according to a set of search criteria; notifying a first online shopper that at least one concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers.

On the other hand, Banks teaches a method of searching of concurrently online shoppers according to a set of search criteria (see at least Abstract, Page 4, Para 0064); notifying a first online shopper that at least one concurrently online shopper meets said search criteria (see at least Page 5, Para 0066); and automatically associating said first online shopper with said one or more concurrently online shoppers (see at least Page 5, Para 0066). Moreover:

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regarding claim 3 and related claims 12 and 22, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria (Page 4, Para 0064).

regarding claim 4 and related claims 13 and 22, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria (Page 4, Para 0064).

regarding claim 5 and related claims 14 and 23, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria (Page 4, Para 0064).

regarding claim 6 and related claims 15 and 24, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria (Page 4, Para 0064).

regarding claim 7 and related claims 16 and 25, Banks teaches a method wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values (Page 1, Para 0019 and Page 4, Para 0060).

Regarding claim 8 and related claims 17 and 26, Banks teaches a method wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers (Page 4, Para 0060).

Regarding claim 9 and related claims 19 and 27, Banks teaches a method wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session (Page 4, Para 0064).

Please note too that it is old and well known that these chat/communications sessions can and are saved in a database.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Suzuki with the method and system of Banks to have enabled for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: an online shopper searching a list of concurrently online shoppers according to a set of search criteria; notifying a first online shopper that at least one concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers – in order to initiate real time communications based on location. In this manner, the method and system provided services would increase customer satisfaction with these

additional capabilities. In turn, the increased customer satisfaction will increase the probability that the online shoppers will return in the future for additional shopping as well as recommending the site to others.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 703.308.3588. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER


Jeffrey A. Smith
Primary Examiner